UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,616	10/19/2006	Nathalie Bergeret	0549-1018	5414

466 7590 02/10/2011

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER	
BODAWALA, DIMPLE N	

ART UNIT	PAPER NUMBER
1743	

NOTIFICATION DATE	DELIVERY MODE
02/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No.	Applicant(s)	
	10/581,616	BERGERET, NATHALIE	
	Examiner	Art Unit	
	DIMPLE BODAWALA	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-43,45-53,56 and 57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-43,45-53,56 and 57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 38-43, 45-53, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over TROCKELS et al. (DE 42 22 676 A1, cited by Applicant on PTOL-1449 form submitted on 6/5/2006) in view of Liotto et al. (US 4,644,858).

3. As to claims 38 and 57, TROCKELS et al. ('676) discloses one-piece construction of hollow piece of baking pan (See figure 1) is made from an elastomer material, such as, silicone rubber or TEFLON (See translation), wherein such flexible baking pan surrounds the removable plate shaped base (3) (See figure 1; abstract), wherein the base plate (3) is made of metal and coated with elastomer material, such as, silicon, PTFE (See abstract), thus, the base plate (3) may be used as a rigid plate-shaped base stiffener as claimed. It further teaches that the baking pan further comprises an annular continuous upright sidewall (4), and lower portion of the sidewall (4) comprising a support element (5) as lower lip projecting from a lower base of the upright sidewall (4), wherein the lower lip (5) could be circular or rectangular shape (See abstract; and translation) for holding the rigid plate shaped base stiffener (3) and defining with the plate shaped base stiffener a bottom wall of the mold. It further teaches that the plate-shaped base stiffener (3) is placed onto the support element (5) (See figure 1). It further teaches that the side edge is preferred a bottom obtuse angle opposite the support means angled, thus, a problem free insertion and removal of a base plate become from an edge element ensured (See translation), wherein such statement indicates that the configuration of lower portion of the sidewall of the container might be varied, in order to easily remove or insert the base plate.

4. TROCKEL et al. ('676) discloses a baking pan having a support element (or lower lip) (5) may be continuous at the lower portion of the side wall (4) and involved to support base plate (3) as discussed above. It further teaches that the side edge is provided

with a detention; and the support element formed with advantage continuous and forms a circumferential surface which sets a base plate at the lower end of the sidewall (See translation), but fails to teach or suggest that the lower portion of the sidewall comprises an upper lip extending from the lower lip as claimed.

5. As to claim 38, **Liotto et al. ('858)** discloses a backing pan assembly as a mould for culinary preparation, wherein mould comprises a cylindrical shell (11) as a hollow piece (See figure 1), wherein the baking pan assembly are formed of non-metallic dielectric material, such as, moldable synthetic plastic material, wherein such material having properties, such as high heat resistance, non-brittle, and of good structural strength of withstanding rough handling and of avoiding fracture (See col.4 lines 23-40), wherein suitable material is POLYLITE (See NPL document submitted herewith, which shows that the POLYLITE material having high degree of flexibility and impact resistance). It further teaches that the mould comprises a circular base (10) having good structural strength (See col.4 lines 28-29), which suggests that the material of the base is rigid and removable (See figure 2). It further teaches that the hollow piece (11) having an upright side wall with a lower base (12) which is connected to the lower portion (11D) of the hollow piece (11), wherein the lower portion (11D) comprising a lower lip (13) for holding the removable rigid plate-shaped base stiffener (10) and define a bottom wall of the mould (See figure 1). It further teaches that the mould comprises an upper lip (see at reference 12) extending above the lower lip (13), defining with the lower lip a groove in which the plate-shaped base stiffener is removably received (See figure 4), and pinning the plate-shaped base stiffener against the lower lip (See figure 4).

6. As to claims 39-40, **Liotto et al.** further teaches that the lower base of the side wall is formed integrally with the lower lip (See figures 2 and 4), wherein the lower lip (13) is a continuous lip (See figures 2 and 4).

7. As to claims 41-43, **Liotto et al.** further teaches that the lower lip is a lower ring-shaped wall limited toward the center of the bottom wall by a hole that is covered by the

plate-shaped base stiffener (10) (See figure 4). Figure 4 further shows that the lower ring-shaped wall occupies some area of the total surface area of the bottom wall of the mould, but fails to provide the range as cited in claims. So, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of **Liotto et al.** by optimizing range of the total surface area of the plate shaped base stiffener covered by the lower ring shaped wall, wherein such configuration of the mould allowed the user to slide and/or clip the plate shaped base stiffener easily on the lower ring-shaped wall, and, thus, lower ring-shaped wall retains the plate shaped base stiffener during the various applications. Claimed range and the prior art range of composition are closed enough to demonstrate similar properties and be expected to have a standard results, Titanium Metals Corp. of America v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

8. As to claims 45-47, **Liotto et al.** further teaches that the length of the extension of the lower lip from the lower base of the side wall and the length of the upper lip (See figure 2), but fails to provide ratio between these two lengths. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of **Liotto et al.** by optimizing ratio of the length of the extension of the lower bead from the lower base of the side wall to the length of the upper bead in desired range and/or as cited in the claim, in order to define dimension of lower ring shaped wall, so the user enable to slide and/or clip the plate shaped base stiffener easily on the lower ring-shaped wall, and, thus, lower ring-shaped wall retains the plate shaped base stiffener during the various applications. It is not necessary that the prior art suggests expressly or in so many words the changes or possible improvements the inventor made but that the knowledge is clearly present. In re Sernaker, 217 USPQ 1 (Fed. Cir. 1983).

9. As to claims 48-50, Figure 2 of **Liotto et al.** further shows that the upper lip (12) is a continuous lip, wherein upper lip comprises suitable segment defining with the lower ring-shaped wall a discontinuous groove (See figure 4), but fails to teach or suggest that

upper lip having several segments as cited in claims of the instant application. So it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the segment of upper lip of lower portion of hollow piece mould of **Liotto et al.**, in order to define a lower ring-shaped wall with varied thickness, wherein such configuration of the mould enable to retain the rigid plate shaped base stiffener during the various applications. It has been held that a mere change in shape without affecting the functioning of the part would have been within the level of ordinary skill in the art, In re Dailey et al., 149 USPQ 47; Eskimo Pie Corp. v. Levous et al., 3 USPQ 23.

10. As to claim 51, figure 4 of **Liotto et al.** further shows that the lower ring shaped wall having higher thickness near upper lip, thus suggests that the lower ring-shaped wall displays variation in thickness.

11. As to claims 52-53, **Liotto et al.** further teaches that the lower ring-shaped wall has a lower surface which is substantially flat and upper surface presenting a shouldering making it thicker in a peripheral part that is close to the lower base of the side wall than in a central part that is close to the hole, the plate shaped base stiffener having an annular step in order to approximately follow the upper surface of the lower ring shaped wall on which it is disposed (See figure 4), wherein the lower surface comprises a flange at the external perimeter thereof (See figure 4).

12. As to claim 56, figure 4 of **Liotto et al.** further shows that the plate shaped based stiffener is clipped into the groove.

13. The invention of LIOTTO et al. ('858) and TROCKELS et al. ('676) are both related to a baking pan which are made from suitable plastic material having high degree of flexibility and also having removable base plate as base stiffener. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the configuration of the lower end of the sidewall of baking pan of **TROCKELS et al. ('676)** by providing upper lip extending above the lower lip, in order to define a radially opened groove which could be used for receiving and supporting rigid

plate shaped base stiffener, in order to form a leakproof seal between hollow piece and base (See col.3 lines 40-43); and also the hollow piece may be detached easily from the base to expose the food product without disrupting its structure (See col.2 lines 65-67) as taught by **Liotto et al. ('858)**. One of ordinary skill in the art would be recognized that the modification of flexible baking pan of TROCKELS et al. ('676) enable to exhibit as flexible hollow piece having an upright sidewall with annular groove defined at lower edge of the wall and located between the flexible upper lip and the flexible lower lip, wherein the annular groove would be utilized to securely support the base plate during the cooking process; and non-deformable property of flexible silicone material of the mould would be used to retain the shape of the mould during different applications. It is not necessary that the prior art suggests expressly or in so many words the changes or possible improvements the inventor made but that the knowledge is clearly present. In re Sernaker, 217 USPQ 1 (Fed. Cir. 1983).

14. Claims 38-43, 45-51, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over RADE (US 1,531,569) in view of either Liorente Hompanera (US 2001/0043977, previously recorded).

15. As to claims 38, 57, RADE ('569) discloses one-piece construction of hollow piece of cake pan as a mould which surrounds a removable rigid plate-shaped base stiffener (13) (See Page 1, lines 57-61; fig. 1). Figure 1 of RADE ('569) clearly shows that an annular continuous upright sidewall (10) having a lower portion, wherein the lower portion comprising an inturned flange (12) at its lower edge of the upright sidewall (See Page 1, lines 55-56), wherein such flange (12) enable to hold and support the bottom plate (13) and defining with the plate shaped base stiffener a bottom wall of the mold, thus such configuration of flange (12) enable to define a lower lip of mould as claimed. Figure 1 of RADE ('569) further shows that there is a feature projected from the lower base of the upright sidewall and extending above the lower lip (12), and define an annular groove there between, wherein the annular groove is equipped with bottom plate

such that the upper lip of the wall pinning the plate and thus base plate securely disposed therein (See figure 1).

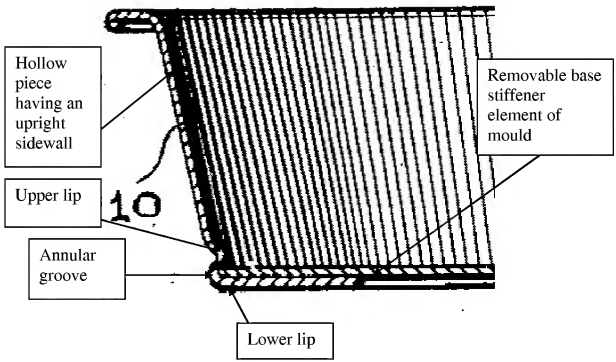
16. RADE ('569) further teaches that the mold is related to cooking utensil, but fails to teach or suggest that the material to be used to make hollow piece of the pie pan or mold as cited in claims.

17. Liorente Hompanera ('977) discloses use of silicone for manufacturing a confectionery moulds and baking receptacle, wherein the cooking pan is made of flexible elastomeric material such as silicone, wherein silicone material is a heat curable elastomer (See paragraph # 11, 13 and 14), which is intended for application in contact with food stuff. It further involved for the operation of easily removal of the baked product from the mold (See abstract), and the operation of easily washed of mold or receptacle. Furthermore, silicone having a high flexibility which is involved to make a mold or receptacle with desire shape and size to suit user requirement (See para. # 13).

18. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of **RADE ('569)** by providing a flexible elastomeric material such as silicone material for cooking utensil rather than a rigid material because the flexible elastomeric material enable to exhibit the mould with excellent properties, such as durability, heat curable, strength, flexibility, etc., wherein such properties of the silicone mould would be used for the operation of easily removal of the baked product from the mold (See abstract), and the operation of easily washed of mold or receptacle, and also such material is non-deformable material so the casting mold body or mold profile with rim and bottom portion both of which retain their shape during different applications as suggested by **Liorente Hompanera ('977)**. The substitution of one known element for another yields predictable results to one of ordinary skill in the art. In this case, the use of flexible elastomer material, such as, silicone material for cooking utensil of secondary art, instead of any other material for cooking utensils of primary art would provide predictable results of silicone material effectively, such as

enable to exhibit the mould with excellent properties such as flexibility, durability, strength, etc., see In re Fout, 675 F.2d 297, 213 USPQ 532 (CCPA 1982); In re O'Farrell, 853 F.2d 894, 7 USPQ2d 1673 (fed. Cir.1988); Ruiz v. Chance Co., 357 F.3d 1270, 69 USPQ2d1686 (Fed. Cir. 2004). It is not necessary that the prior art suggests expressly or in so many words the changes or possible improvements the inventor made but that the knowledge is clearly present. In re Sernaker, 217 USPQ 1 (Fed. Cir. 1983).

19. As to claims 39-40, RADE ('569) further teaches that the lower base of the side wall (10) is formed integrally with the lower lip (12), wherein the lower lip (12) is a continuous lip (See figure 1).



Above figure is cross sectional view of mould as shown in figure 1 of RADE ('569)

20. As to claims 41-43, Figure 1 of RADE ('569) further shows that the lower lip (12) is a lower ring-shaped wall limited towards the center of the bottom wall by a hole that is

covered by the plate shaped base stiffener (13). Figure 1 of RADE ('569) further shows that the lower ring-shaped wall occupies some area of the total surface area of the bottom wall of the mould, but fails to provide ranges as cited in claims 42-43. So, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of **RADE ('569)** by optimizing range of the total surface area of the plate shaped base stiffener covered by the lower ring shaped wall, wherein such configuration of the mould allowed the user to slide and/or clip the plate shaped base stiffener easily on the lower ring-shaped wall, and, thus, lower ring-shaped wall retains the plate shaped base stiffener during the various applications.

21. As to claims 45-47, RADE ('569) further teaches that the length of the extension of the lower lip from the lower base of the side wall and the length of the upper lip (See figure 1), but fails to provide ratio between these two lengths. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of **RADE ('569)** by optimizing ratio of the length of the extension of the lower bead from the lower base of the side wall to the length of the upper bead in desired range and/or as cited in the claim, in order to define dimension of lower ring shaped wall, so the user enable to slide and/or clip the plate shaped base stiffener easily on the lower ring-shaped wall, and, thus, lower ring-shaped wall retains the plate shaped base stiffener during the various applications.

22. As to claim 48, RADE ('569) further teaches that the mould comprises an upper lip is a continuous lip (See figures 1-2).

23. As to claims 49-51, RADE ('569) discloses mould having a lower portion which define an upper lip (not labeled but see figure above with label), wherein upper lip having a single segment (See figure 1-2), but fails to teach or suggest that upper lip having several segments as cited in claims of the instant application. So it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the segment of upper lip of lower portion of hollow piece mould of **RADE ('569)**, in

order to define a lower ring-shaped wall with varied thickness, which could be used to retain the rigid plate shaped base stiffener during the various applications. It has been held that a mere change in shape without affecting the functioning of the part would have been within the level of ordinary skill in the art, In re Dailey et al., 149 USPQ 47; Eskimo Pie Corp. v. Levous et al., 3 USPQ 23

24. As to claim 56, RADE ('569) further teaches that the plate shaped base stiffener (13) is clipped into the groove (See figure 1).

Response to Arguments

25. For combination rejection of claims over TROCKELS et al (DE 4222676) in view of LIOTTO et al. (US 4,644,858), wherein Applicant argues that TROCKELS et al. ('676) discloses a mould including an annular metallic wall provided with a planar support means and a removable plate (3), wherein plate can be made of metal, paperboard, silicone, or a flexible material; and the annular wall (2) can be covered with silicone, PTFE or rubber silicone. Applicant argues that TROCKELS et al. ('676) fails to disclose a flexible hollow piece made from an elastomer material; and also fails to disclose flexible upper lip defining with a lower flexible lip, a radially opened groove, and the plate which is pinned against the flexible lower lip by the flexible upper lip. Applicant further argues that LIOTTO et al. ('858) discloses a rigid mould having split cylindrical shell formed by complementary arcuate sections, wherein the shell comprises a circular bead (12) and a ring (11d) defining a circular inner groove (13) adapted to receive lip (11c) of the base to form a leakproof seal. Applicant argues that LIOTTO et al. ('858) fails to remedy the deficiencies of TROCKELS et al. ('676) because the base is only inserted in the circular inner groove, and the circular bead is rigid and does not exert strength onto the base.

26. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871

(CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, TROCKELS et al. ('676) discloses one-piece construction of hollow piece of baking pan (See figure 1) is made from an elastomer material, such as, silicone rubber or TEFLON (See translation), wherein such material are well known in the art for their excellent properties, such as, high degree of flexibility and impact resistance (See NPL document attached herewith, which teaches that the silicone rubber material having elastic property and would be utilized in food preparation mould). It further teaches that the baking pan further comprises an annular continuous upright sidewall (4), and lower portion of the sidewall (4) comprising a support element (5) as lower lip projecting from a lower base of the upright sidewall (4), wherein the lower lip (5) could be circular or rectangular shape (See abstract; and translation) for holding the rigid plate shaped base stiffener (3) and defining with the plate shaped base stiffener a bottom wall of the mold. It further teaches that the side edge is preferred a bottom obtuse angle opposite the support means angled, thus, a problem free insertion and removal of a base plate become from an edge element ensured (See translation), wherein such statement indicates that the configuration of lower portion of the sidewall of the container might be varied, in order to easily remove or insert the base plate. TROCKEL et al. ('676) discloses a baking pan having a support element (or lower lip) (5) may be continuous at the lower portion of the side wall (4) and involved to support base plate (3) as discussed above. It further teaches that the side edge is provided with a detention; and the support element formed with advantage continuous and forms a circumferential surface which sets a base plate at the lower end of the sidewall (See translation), but fails to teach or suggest that the lower

portion of the sidewall comprises an upper lip extending from the lower lip as claimed. LIOTTO et al. ('858) teaches that the baking pan assembly are formed of non-metallic dielectric material, such as, moldable synthetic plastic material, wherein such material having properties, such as high heat resistance, non-brittle, and of good structural strength of withstanding rough handling and of avoiding fracture (See col.4 lines 23-40), thus, the pan of LIOTTO et al. is made from the suitable plastic material, such as POLYLITE material (See NPL document submitted herewith, which shows that the POLYLITE material having high degree of flexibility and impact resistance), thus, such statement indicates that the invention of LIOTTO et al. ('858) and TROCKELS et al. ('676) both are having baking pan which are made from suitable plastic material having high degree of flexibility, and, therefore, the teaching of upright sidewall of pan of LIOTTO et al. ('858) would be utilized for modifying the configuration of the sidewall of TROCKELS et al. ('676)'s pan as discussed above.

27. For combination rejection of claims over RADE (US 1,531,569) in view of either LLORENTE HOMPANERA (US 2001/0043977) or SOLLICH (GB 697,101), wherein Applicant argues that RADE ('569) discloses an outer shell (10) or ring with an outturned flange (11) on its upper edge and inturned flange (12) at its lower edge, wherein the flange (12) is of sufficient depth to support a bottom plate (3) which is removable through the top of the ring (10); and the plate (13) is provided at suitable intervals with notches (14) adapted to receive studs (15) which are preferably pressed inwardly from the ring (10) near its lower edge position to hold the plate (13) flat upon the flange (12). Applicant further argues that RADE ('569) also discloses that in order to assemble the plate (13) on the ring (10), the notches (14) are introduced through the respective studs (15) of the ring (19), and the plate (13) is slid or turned upon the flange (12) so as to disposed the uninterrupted edge portion of the plate beneath the studs (15) to lock the plate in the ring. Applicant argues that RADE ('569) fails to disclose an upper lip defining with a lower lip, a radially opened groove, and the plate which is pinned against

the lower lip by the upper lip as claimed. Applicant further argues that although RADE ('569) discloses an inturned flange (12) at its lower edge, it fails to disclose an upper lip which extends radially, but rather disclose a stud having a different structure, wherein the stud has the shape of a cylinder, thus, the space between the stud and the inturned flange cannot be regarded as a groove which extends radially. Applicant further argues that RADE ('569) fails to disclose flexible lips and the plate-shape base stiffener which is removably clipped into the groove as claimed.

28. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Figure 1 of RADE ('569) clearly shows that an annular continuous upright sidewall (10) having a lower portion, wherein the lower portion comprising an inturned flange (12) at its lower edge of the upright sidewall (See Page 1, lines 55-56), wherein such flange (12) enable to hold and support the bottom plate (13) and defining with the plate shaped base stiffener a bottom wall of the mold, thus such configuration of flange (12) enable to define a lower lip of mould as claimed. Figure 1 of RADE ('569) further shows that there is a feature projected from the lower base of the upright sidewall and extending above the lower lip (12), and define an annular groove there between, wherein the annular groove is equipped with bottom plate such that the upper lip of the wall pinning the plate and thus base plate securely disposed therein (See figure 1). RADE ('569) teaches that the mold is related to cooking utensil, but fails to teach or suggest that

the material to be used to make hollow piece of the pie pan or mold, wherein lacking of RADE ('569) would be modified by providing teaching of secondary art, LIORENTE HOMPANERA ('977) discloses an invention related to use of silicone material, wherein the silicone material utilized for making cooking utensil because the property of silicone material would be used to remove the cook food very easily from the mould, and also enable to clean the mould very easily.

Conclusion

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIMPLE BODAWALA whose telephone number is (571)272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH S. DEL SOLE can be reached on (571) 272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B./
Examiner, Art Unit 1743

/Joseph S. Del Sole/
Supervisory Patent Examiner, Art Unit 1743